

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MEMORANDUM

SUBJECT: Consent Agreement and Final Order
Lancaster Craftsmen Builders, Inc.
Docket No: TSCA-03-2017-0129

FROM: Mary B. Coe
Regional Counsel (3RC00)

Cathy A. Libertz, Acting Director
Land and Chemicals Division (3LC00)

TO: Joseph J. Lisa
Regional Judicial Officer (3RC00)

The attached Consent Agreement and Final Order ("CAFO") have been negotiated with Lancaster Craftsmen Builders, Inc. ("Respondent") in settlement of actionable Toxic Substances Control Act ("TSCA") violations. The compliance issues addressed in the CAFO involve the alleged failure, during the performance of a renovation for compensation on certain pre-1978 housing, to comply with the Lead; Renovation, Repair, and Painting Program (commonly known as the "RRP Rule"), set forth at 40 C.F.R. Part 745, Subpart E, which subject Respondent to civil penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

The litigation team calculated a civil penalty of Three Thousand Two Hundred Thirty Four Dollars (\$3,234.00) in accordance with the statutory factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), i.e., the nature, circumstances, extent, and gravity of the violations, and with respect to Respondent's ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require, and with EPA's *Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule* ("LBP Consolidated ERPP"), dated August 2010 and revised April 2013. Complainant has also considered the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the December 6, 2013 memorandum by EPA Assistant Administrator Cynthia Giles, entitled *Amendments to the U.S. Environmental Protection Agency's Civil Penalty Policies to Account for Inflation (Effective December 6, 2013)*, including the *Transmittal of the 2017 Annual Civil Monetary Penalty Information Adjustment Rule* dated January 1, 2017 from Susan Shinkman, Director, Office of Civil Enforcement.

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We recommend that you sign the attached Final Order assessing in civil penalty in the amount of Three Thousand Two Hundred Thirty Four Dollars (\$3,234.00) against Respondent. After you execute the Final Order, please return the documents to Louis F. Ramalho of the Office of Regional Counsel for further processing.

Attachments

cc: Mark G. Lancaster, President
Lancaster Craftsmen Builders Inc.
3120 Old National Pike,
Middletown, Maryland 21769
301-371-9101
mark@lcbi.mygbiz.com


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date listed below, a true and correct copy of the attached Consent Agreement and Final Order, Docket No. TSCA-03-2017-0129, was sent by electronic e-mail and a hard copy mailed overnight via UPS, confirmation of receipt requested to:

Mark G. Lancaster, President
Lancaster Craftsmen Builders Inc.
3120 Old National Pike,
Middletown, Maryland 21769
301-371-9101
mark@lcbi.mygbiz.com

Date

5/16/17



Louis F. Ramalho
Sr. Assistant Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

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